MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

UEQ3612 – EQUITY & TRUSTS I

(All Sections / Groups)

13 OCTOBER 2016
Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 4 Questions only.

3. Attempt **THREE** out of FOUR questions. **QUESTION 1 is COMPULSORY.**

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of Wills Act 1959.

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1
(COMPULSORY QUESTION)

Ten years ago Peter and Jane purchased a condominium from Segala Boleh Developer Sdn Bhd at the price of RM250,000.00 as their matrimonial home. It was bought with an initial deposit of RM20,000.00 using money from their joint account and RM5,000.00 cash gift from Jane' mother. To finance the balance of purchase price, they secured a loan facility and charged the condominium to Circle Loan.

The condominium was in Peter's name. Peter, who was earning twice Jane's salary, paid all the monthly payments. Jane paid most of the household expenses. She also bought various household items from the house, sewed curtains for the house, cook evening meals and did their laundry everyday. She worked as a clerk. The condominium is now worth RM 1 million. Peter and Jane registered their marriage on January 2016.

Consider the following:-

(a) Peter died suddenly in an accident, leaving a will in which he left all his property to his mistress, Ms. Red. What are Janes' rights in relation to the condominium?

(15 marks)

(b) Would your answer to (a) be different if the house was in the joint names of Peter and Jane?

(10 marks)

(c) Would your answer to (a) be different if Jane used her saving and repaid the loan and obtained a re-conveyance of the condominium to Peter?

(10 marks)

(d) Would your answer to (a) be different if Peter and Jane were never married?

(5marks)

(Total: 40 marks)

Continued...

QUESTION 2

(a) "The Chancellor would give or withhold relief, not according to any precedent, but according to the effect produced upon his own individual sense of right and wrong by the merits of the particular case before him."

Jill E Martin, *Modern Equity* (London: Sweet & Maxwell, 2012), at 7.

Discuss the above statement with reference to the development of Equity and its reception in Malaysia.

(20 marks)

(b) No express trust can be validly created unless the three certainties are satisfied. Discuss the three certainties that are generally required for a valid and enforceable trust.

(10 marks)

(Total: 30 marks)

QUESTION 3

A settlor, Martin, executed a deed which tried to transfer 60 shares in Lion Bank to Romeo to hold on trust for Juwie. Later the settlor handed the share certificates to Romeo. To transfer shares, a change in ownership must be registered by the bank, but this was never done either by Martin or Romeo, even though Romeo had a power of attorney to act for Martin.

Discuss.

(Total: 30 marks)

Continued...

QUESTION 4

Briefly explain the following:-

(a) The differences between dishonest assistance and knowing receipt;

(15marks)

(b) Disposal of surplus funds of unincorporated associations;

(10 marks)

(b) Doctrine of cy-près;

(5 marks)

(Total: 30 marks)

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